REMARKS

The Examiner is thanked for the due consideration given the application.

Claims 16-35 are pending in the application. Independent claims 16 and 23 have been amended to better set forth the invention being claimed, and the amendments to claims 16 and 23 find support in paragraphs 0003 and 0021 of corresponding U.S. Publication 2005/0238206 A1.

No new matter is believed to be added to the application by this amendment.

Rejections Based on HANNA et al.

Claims 16-18, 20-30 and 32-34 have been rejected under 35 USC §103(a) as being unpatentable over HANNA et al. (U.S. Patent 6,714,665) in view of MAHBUB (U.S. Patent 6,961,443). Claims 19, 31 and 35 have been rejected under 35 USC §103(a) as being unpatentable over HANNA et al. in view of MAHBUB as applied to claim 18, and further in view of BAN et al. (U.S. Patent 6,775,403). These rejections are respectfully traversed.

The present invention pertains to a method for personal recognition that entails recording with a single optical sensor at the same time at least one subarea of a face and at least one subarea of a hand of the person to be identified. Three-dimensional special coordinates are determined via optical triangulation such that the single optical sensor (2) is configured to record a surface picture of the face (4) and the

hand (5) partially or completely, and automatic personal identification is performed by utilizing the picture for comparison with known data in an evaluating unit (3). See independent claims 16 and 23.

MAHBUB fails to teach or infer the simultaneous utilization of face and hand parts of the person to be identified. Figures 4 and 7 of MAHBUB, reproduced below, depict different illumination and recording apparatuses, i.e., projectors such as lasers and scanners. Columns 4 and 5 of MAHBUB set forth details of the illumination and recording.

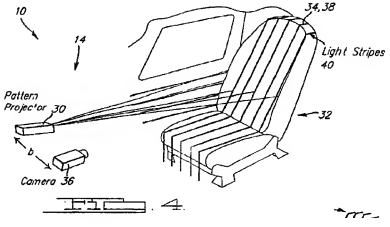

Fig. 4.

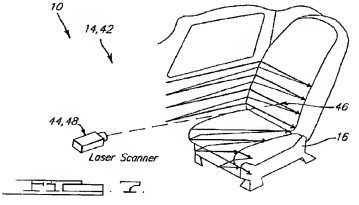

Fig. 7.

The Official Action asserts that HANNA et al. disclose a process of personal identification where at least a portion of the face and a portion of the hand of the person is identified and evaluated by means of an optical sensor. However, in Figure 3 of HANNA et al. (referred to in the Official Action) details the stereo detection of a face and tracking of the position of the eye. The Abstract of HANNA et al. describes that the picture of an object is recorded and analyzed. This serves as a means of a wide field view of an object to locate the object in the scene. The different pictures in the immediate area are relatively known, and a higher resolution is obtained.

The technology of HANNA et al. pertains to a fully automatic system for the recording and analysis of pictures, in which the irises in the eyes of living beings are observed. In Figure 3 and column 10, lines 8-29 of HANNA et al., it is noted that many pictures are taken so that a rough wide field position is obtained, and a new picture is then recorded to obtain the details, i.e., visual details. The stereo module 316 delivers an output signal to the processor 310 in the case that the eyes of the investigated person appear in the picture.

Figure 6 of HANNA et al., reproduced below, shows the possible parts of a person that can be identified.

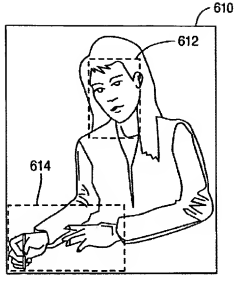

FIG. 6

The text corresponding to Figure 6 can be found in HANNA et al. at column 16, line 42 to column 17, line 3. This passage describes that the stereo module 316 can, for example, discern the right angle region, where the pixel distribution between different regions must be resolved. The goal of the technology of HANNA et al. is the recording of one or more pictures suitable for evaluation, where dark areas are to be avoided. The areas 612 and 614 are, for example, evaluated by the stereo module 316 so as to determine and position the relatively bright and dark areas in the picture.

As a result, HANNA et al. and MAHBUB have fundamentally different objectives and combinations of technologies, as compared to that of the present invention. Neither HANNA et al. nor MAHBUB disclose or infer a process or apparatus for personal recognition by the utilization of an evaluating unit (3)

configured for automatic personal identification by utilizing the picture for comparison with known data in the evaluating unit (3).

The reference of BAN et al. pertains to the identification of schematic symbols, e.g., for software and interactive games, where strongly stylized and simple symbols are required. BAN et al. thus belong to a fundamentally different art from that of the present invention. BAN et al. additionally fail to address the deficiencies of HANNA et al. and MAHBUB discussed above.

In the Response to Arguments, the Official Action asserts that while the applicant urges that MAHBUB does not teach the simultaneous utilization of face and hand part of the person, it is not clear which limitation to which the applicant refers. However, amended claim 16 of the present invention recites: "the optical sensor (2) records a surface picture of the face (4) ***and*** the hand (5)." Claim 23 of the present invention sets forth a similar limitation.

In the Response to Arguments, the Official Action asserts that while the applicant urges that HANNA et al. and MAHBUB does not teach a process or apparatus for personal identification by utilization of an optical sensor so that the processing of a facial part and a hand part of the person allows identification of the person, these features are not set forth in the claims. However, amended claims 16 and 23 set forth a

method or device for "personal recognition" and "a person to be identified", along with reciting an optical sensor.

In the Response to Arguments, the Official Action asserts that while the applicant urges that HANNA et al. does not disclose a single optical sensor to obtain a reliable and quick identification of the person, this argument is not persuasive because it is an intended use. In the Response to Arguments, the Official Action asserts that while the applicant urges that HANNA et al. do not store data of the digital picture in a data bank, this argument is not considered persuasive because claims 16 and 23 do not mention any sort of digital picture in a data bank. However, amended claim 16 sets forth "automatic personal identification by utilizing the picture for comparison with known data in an evaluating unit (3)" and amended claim 23 sets forth "the evaluating unit (3) is configured for automatic personal identification by utilizing the picture for comparison with known data in the evaluating unit (3)."

As a result, the instant claims of the present invention recite limitations that are clearly not taught by or inferable from the applied art references.

One of ordinary skill would thus fail to produce independent claims 16 and 23 of the present invention from any combination of HANNA et al. and the secondary references. A *prima facie* case of unpatentability has thus not been made.

Claims depending upon claim 16 or 23 are patentable for at least the above reasons.

These rejections are believed to be overcome and withdrawal thereof is respectfully requested.

Conclusion

Prior art of record but not utilized is believed to be non-pertinent to the instant claims.

The objections and rejections are believed to have been overcome, obviated or rendered moot and that no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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